

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GLOBALFOUNDRIES U.S. INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Case No. 1:23-cv-3348 (KMK) (AEK)

~~PROPOSED~~ REVISED CASE
MANAGEMENT AND SCHEDULING
ORDER

HON. KENNETH M. KARAS, U.S.D.J.:

This Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. The parties disagree as to whether one or more of the presently asserted claims is to be tried by a jury.
2. No additional parties may be joined except with leave of the Court.
3. Amended pleadings may not be filed except with leave of the Court.
4. Initial disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P., will be completed not later than **August 16, 2023** [absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f)].
5. All *fact* discovery is to be completed no later than **September 16, 2024**, or **four (4) months from the date of Magistrate Judge Krause's order on the parties' outstanding Requests for Production ("RFP"), submitted on February 2, 2024 (ECF No. 260)**, whichever is later.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 5 above:
 - a. Requests for Production:

i. Document discovery shall proceed on a rolling basis pursuant to the below interim deadlines:

1. **October 11, 2023 – Reproduction of State Court Documents and Small Collection of Select Centrally Located / Non-Email Files:**


- The parties shall produce all documents and depositions from the state court action, except those documents subject to outside-counsel-eyes-only designations, and the corresponding privilege log(s) produced in the state court action. The parties agree that such productions will be reproduced subject to the terms of the Stipulated Protective Order in this action.
- For IBM: Subject to the terms of the Stipulated Protective Order, and after consultation with each of Intel and Rapidus and an opportunity for each of Intel and Rapidus to state any objections and/or move for any additional protective orders, if appropriate, the final agreements between IBM and Intel and IBM and Rapidus concerning the IBM-Intel Partnership and the IBM-Rapidus Partnership, respectively, as referenced in GF's Request for Production No. 1 and IBM's Responses and Objections thereto.
- For GF: Subject to the terms of the Stipulated Protective Order, and after consultation with the third party referenced in IBM's Request for Production No. 6 and an opportunity for said third party to state any objections and/or move for any additional protective orders, if appropriate, all final agreements between GF and said third party.

2. **November 6, 2023 – Production of Select**

Centrally Located/Non-Custodial Files: The parties agree to identify by October 11, 2023, four categories each of centrally located/non-custodial files for exchange on November 6, 2023, subject to the parties' or any non-party's objections to such requests and relevant agreements and/or rulings from the Court and pursuant to agreed-upon search terms.

3. **December 20, 2023 – Substantial Completion of Priority Email Production:** Each party may select a designated number of “priority custodians,” to be identified by October 11, 2023, for the substantial completion of production of documents responsive to the parties' document requests, subject to the parties' or any non-party's objections to such requests and relevant agreements and/or rulings from the Court and pursuant to agreed-upon search terms.
4. **February 29, 2024 – Substantial Completion of Production of All Other Documents Subject to Disputes Outstanding as of February 5, 2024:** Substantial completion of production of remaining documents responsive to the parties' document requests, subject to the parties' or any non-party's objections to such requests in dispute as of February 5, 2024 and relevant agreements and/or rulings from the Court and pursuant to agreed-upon search terms and remaining custodians.
5. The later of **June 10, 2024, or four (4) weeks from the date of Magistrate Judge Krause's order on the parties' outstanding RFPs, submitted on February 2, 2024 (ECF No. 260)** – Substantial Completion of Production of All Other Documents: Substantial completion of production of remaining documents responsive to the parties' document requests, subject to

relevant agreements and/or rulings from the Court and pursuant to agreed-upon search terms and remaining custodians.

- b. The parties shall not serve additional RFPs after February 20, 2024, except for good cause shown.
- c. Privilege logs shall be served on **January 12, 2024** and the later of **June 24, 2024**, or **six (6) weeks from the date of Magistrate Judge Krause's order on the parties' outstanding RFPs, submitted on February 2, 2024 (ECF No. 260)**.
- d. Interrogatories to be served by **thirty (30) days before the close of fact discovery**.
- e. Contention interrogatories to be served by, and the date on which already-served contention interrogatories are deemed properly served is, **thirty (30) days before the close of fact discovery**.
- f. Depositions to be completed by the **close of fact discovery**.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Non-Party Depositions:
 - 1. Plaintiff's Position: Non-party depositions can occur after completion of some, but not all, party depositions.
 - 2.  KMK
- g. Requests to Admit to be served by **thirty (30) days before the close of fact discovery**.

7. All *expert* disclosures, including reports, production of underlying documents and

depositions are to be completed by the later of **February 7, 2025**, or **twenty (20) weeks after the close of fact discovery**. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 5:

- a. Opening expert(s) disclosures and reports: the later of **October 16, 2024**, or **one (1) month after the close of fact discovery**.
 - b. Rebuttal expert(s) disclosures and reports: the later of **December 16, 2024**, or **two (2) months after opening expert(s) disclosures and reports are due**.
 - c. Reply expert(s) disclosures and reports: the later of **January 17, 2025**, or **one (1) month after rebuttal expert(s) disclosure and reports are due**.
 - d. Expert(s) depositions: by the **close of expert discovery**.
8. Motions: All motions and applications shall be governed by Judge Karas's Individual Practices, including pre-motion conference requirements. Pursuant to Judge Karas's Individual Practices, the parties shall request a pre-motion conference the later of **February 28, 2025**, or **three (3) weeks after the close of expert discovery**. Summary Judgment or other dispositive motions are due the later of **March 14, 2025**, or **two (2) weeks after the request for a pre-motion conference is due**.
9. All counsel must meet for at least one hour to discuss settlement no later than **October 16, 2024**, or **one (1) month after the close of fact discovery**.
10. Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.
- a. The parties **do not** request a settlement conference before a United States Magistrate Judge.
11. Counsel for the parties have discussed the use of the Court's Mediation Program.
- a. The parties **do not** request that the case be referred to the Court's Mediation Program.

12. Counsel for the parties have discussed the use of a privately-retained mediator.
 - a. **If the parties engage in settlement discussions, the parties intend to use a privately-retained mediator.**
13. The parties shall submit a Joint Pretrial Order prepared in accordance with Judge Karas's Individual Practices and Rule 26(a)(3), Fed.R.Civ.P. If this action is to be tried before a jury, proposed voir dire, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
14. The parties have conferred and their present best estimate of the length of trial is **ten (10) days**.

TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

There will be no extensions of the deadline for completion of discovery past the date discovery is scheduled to be completed in this Order without the permission of the Court, nor should counsel assume that any extensions will be granted. Counsel may seek permission for extension of *interim* discovery deadlines from the magistrate judge to whom the case is referred. Counsel may seek permission for an extension of the deadline for completion of discovery past the date discovery is scheduled to be completed in this Order only after consenting to allowing the undersigned magistrate judge to handle the case for all purposes.

16. The next Case Management Conference is scheduled for 2/26/25, at 11:00
_____.

The movant's pre-motion letter is due 2/14/25;

The non-movant's response is due 2/21/25

SO ORDERED.

DATED: White Plains, New York
5/16/24



HON. KENNETH M. KARAS
U.S. DISTRICT COURT JUDGE